



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 15, 1996

Ms. Cheryl N. Elliot
University General Counsel
Texas Southern University
3100 Cleburne Avenue
Houston, Texas 77004

OR96-0197

Dear Ms. Elliot:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 34896.

On May 22, 1995, Texas Southern University ("TSU") received a request for copies of all employment applications for a particular position. By letter dated July 19, 1995, you requested an attorney general decision relating to the request for information. In your request for a decision, you ask whether employment applications are excepted from disclosure under section 552.102 of the Government Code. You failed to request a decision within the ten days required by section 552.301(a). When a governmental body fails to request an attorney general decision within ten days of receiving a request for information, the information is presumed public. Gov't Code § 552.302.

You also did not submit to this office copies of the employment applications. We notified you by letter dated September 5, 1995, that you had failed to submit copies of the requested information as required by section 552.301(b). We asked that you provide this information to our office within seven days after the date you received our notice. You did not timely provide this office with the information requested in our September 5, 1995 notice to you. Therefore, as provided by section 552.303(e), the employment applications are presumed to be public information.

Information presumed public must be released unless the governmental body demonstrates the existence of a compelling interest that overcomes this presumption. See *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.-Austin 1990, no writ); Open Records Decision No. 319 (1982). You have not shown compelling reasons why

the information at issue should not be released. Consequently, the information is presumed to be public and must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 34896

cc: Ms. Helen Jenkins
Counselor
Student Support Services
Texas Southern University
3100 Cleburne Avenue
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